



Austin City Council MINUTES

For MARCH 24, 1983 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council noting the absence of Councilmember Goodman who arrived at 2:10 p.m.

INVOCATION

The Invocation was given by Reverend Francis R. Webber, Chaplain, Holy Cross Hospital.

MINUTES APPROVED

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Treviño's second, approved the minutes for the regular meeting of March 17, 1983, (5-0 Vote, Councilmember Goodman absent)

CONSENT RESOLUTIONS

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second adopted the following resolutions in one consent motion: (5-0 Vote, Councilmember Goodman absent)

Release of Easements

Approved release of the following easements:

- a. A 5' Public Utility Easement on Lot 3923, Lakeway Section Cluster 28 II, Carefree Circle. (Requested by Cablevision of Lake Travis.)
- b. An access easement on Lots 35 and 36, Block E. Windridge Section II-A. (Requested by Mr. Randy Morine)

EASEMENTS - (Continued)

- c. A Public Utility Easement retained at the vacation by Resolution of the Washington Avenue Alley on September 5, 1929 and recorded in Volume 460, Page 116 of the Travis County Deed Records. (Requested by Metcalfe Engineering Company, Inc.)
- d. A portion of a 5' Public Utility Easement on Lot 5, Resubdivision of Lot 3, Block A, Northwest Hills Section 14-C, 6910 Thorncliffe Drive. (Requested by Mr. Weldon R. Hudson)
- e. A portion of an Electric and Telephone Easement recorded in Volume 7171, Page 113, of the Travis County Deed Records and located on Lot 34, Carson Creek Addition, Bear Paw Trail at Cool Shadow Drive. (Requested by McGray and McGray Land Surveyors)

License Agreements

Approved the following License Agreements to allow:

- a. The installation of a permanent sign on the existing rock wall along the north side of Beauford Drive at Lakewood Drive. (Requested by the Jester Development Corporation)
- b. The encroachment of landscaping and shuttle bus stop improvements into the public right-of-way adjoining Lot B, Amended Plat of Colorado Hills Estate, Section 5, 1500 Royal Crest Drive. (Requested by First Equities Corporations)

Capital Improvements Program

Authorized an amendment to the approved F.A.A. Grant Application to allow F.A.A. funding participation in the 1982 Interim Air and Landslide Improvements at Robert Mueller Municipal Airport - C.I.P. Nos. 78/81-08, 79/81-08, 79/81-19 & 81/81-05.

Approved the following change orders;

- a. In the amount of \$118,075.40 to Olmos Construction Company for the 1982 Interim Air and Landslide Improvements. CAPITAL IMPROVEMENTS PROGRAM Nos. 78/81-08, 79/81-08, 79/81-19 & 81/81-05 (Increase of 5% of the original contract.)
- b. In the amount of \$24,351.00 to Mitchell, Evans & Byram Inc. for the Rebekah Baines Johnson Health Center. CAPITAL IMPROVEMENTS PROGRAM No. 82/91-02 (3.0% increase of the original contract)

March 24, 1983

Contracts Approved

Approved the following contracts:

- a. OLMOS CONSTRUCTION COMPANY, INC.
P. O. Box 13172
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Shoal Creek Drainage Improvements,
Jefferson Street Area, Public
Works Department - \$378,243.35
C.I.P. No. 82/60-05
- b. AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
North Bluff Drive Paving and
Improvements, Phase I, Public
Department - \$604,380.85
C.I.P. No. 78/62-32
- c. Bid award:
 - Fill Sand, Mortar Sand, and
Sandy Loam Topsoil, Public
Works Department
Twelve (12) Month Supply Agreement
Awards on supplier-delivered
items are to be made by
progressive purchasing method
from low to high bidder; awards
on items to be picked up by City
trucks will be made on a total
cost basis.
Estimated cost; \$56,668.00

Awards to each bidder for each bid item to be picked up by City trucks (Bid items 1.1, 2.1 and 3.1) in the estimated total amount of \$17,450.00.

- (1) FOREMOST CONSTRUCTION, INC.
8400 Delaware Lane
Austin, Texas
- (2) CENTEX MATERIALS
2525 Wallingwood
Austin, Texas

Awards to each bidder for each bid item to be delivered (Bid items 1.2, 2.2 and 3.2) in the estimated total amount of \$39,218.00.

- (3) FOREMOST CONSTRUCTION, INC.
8400 Delaware Lane
Austin, Texas

CONTRACTS - (Continued)

Bid award (continued)

(4) AUSTIN CRUSHED STONE
1807 Hydro Lane
Austin, Texas

(5) STEVE'S SOUTH TEXAS CORPORATION
814 Howard Road
Austin, Texas

(6) WHITTLESEY BROTHERS OF AUSTIN
9807 Dessau Road
Austin, Texas

d. D. K. HYDROBLAST, INC.
4292 Virginia Drive
Fairview Park, Ohio

- Runway Rubber Removal, Aviation
Department
Estimated cost \$5,022.50

e. Bid award:

- Generic Pharmaceuticals for
Brackenridge Hospital and
City Health Department
Twelve (12) Month Supply Agreements
Total \$1,673,603.93

(1) BEHRENS DRUG CORPORATION
P. O. Box 1467
Austin, Texas

- \$282,147.99

(2) ELKINS SINN, INC.
P. O. Box 24690
Dallas, Texas

- \$108,766.34

(3) UPJOHN COMPANY
P. O. Box 225451
Dallas, Texas

- \$98,492.16

(4) WYETH LABORATORIES
8717 Directors Row
Dallas, Texas

- \$86,303.05

(5) ABBOTT LABORATORIES
P. O. Box 225295
Dallas, Texas

- \$85,405.79

CONTRACTS - (Continued)

- | | |
|---|---------------|
| (6) HOECHST PHARMACEUTICALS, INC.
Route 202-206 North
Somerville, New Jersey | - \$61,996.62 |
| (7) ARMOUR PHARMACEUTICAL COMPANY
P. O. Box 511
Kankakee, Illinois | - \$60,703.08 |
| (8) SK & F LAB. COMPANY
P. O. Box 1983
Cermica Annex
Carolina, Puerto Rico | - \$60,205.00 |
| (9) E. R. SQUIBB & SONS
P. O. Box 16503
Atlanta, Georgia | - \$57,099.47 |
| (10) MERCK SHARP DOHME
925 111th Street
Arlington, Texas | - \$56,336.11 |
| (11) JANSSEN PHARMACEUTICALS
3129 Pinewood Drive
Arlington, Texas | - \$50,672.26 |
| (12) LEDERLE LABORATORIES
P. O. Box 225731
Dallas, Texas | - \$41,243.35 |
| (13) WINTHROP LABORATORIES
6627 Maple Avenue
Dallas, Texas | - \$40,027.51 |
| (14) PARKE DAVIS COMPANY
P. O. Box 1379
Grand Prairie, Texas | - \$39,924.10 |
| (15) SEARLE LABORATORIES
P. O. Box 5110
Chicago, Illinois | - \$38,277.86 |

CONTRACTS - (Continued)

(16) AMERICAN HOSPITAL SUPPLY 12626 Silicon Drive San Antonio, Texas	- \$35,201.92
(17) STANLEY SUPPLY COMPANY 615 Urban Loop San Antonio, Texas	- \$33,837.04
(18) MALLINCKRODT DIAGNOSTIC P. O. Box 5439 St. Louis, Missouri	- \$33,138.36
(19) ROCHE LABORATORIES 105 Oakton Des Palms, Illinois	- \$27,928.02
(20) ALCON LABORATORIES P. O. Box 1629 Ft. Worth, Texas	- \$27,740.36
(21) ROXANE LABORATORIES P. O. Box 1738 Columbus, Ohio	- \$23,501.36
(22) MILES PHARMACEUTICALS 400 Morgan Lane West Haven, Connecticut	- \$22,672.00
(23) ASCOT PHARMACEUTICALS, INC. 8050 North Lawndale Avenue Skokie, Illinois	- \$18,370.82
(24) BRISTOL LABORATORIES P. O. Box 657 Syracuse, New York	- \$17,979.46
(25) FLINT LABORATORIES 1425 Lake Cook Road Deerfield, Illinois	- \$17,624.22

CONTRACTS - (Continued)

(26) STUART PHARMACEUTICALS P. O. Box 2376 Wilmington, Delaware	- \$16,903.70
(27) BEECHAM LABORATORIES P. O. Box 5883 Arlington, Texas	- \$15,907.44
(28) SOUTHERN SAFETY SALES P. O. Box 4065 Austin, Texas	- \$15,041.76
(29) INVENEX PHARMACEUTICALS 9603 Chancellor Row Dallas, Texas	- \$14,356.00
(30) AMERICAN MCGAW LABORATORIES P. O. Box 11887 Santa Ana, California	- \$13,025.60
(31) DUPONT PHARMACEUTICALS 4956 West Belmont Avenue Chicago, Illinois	- \$12,982.85
(32) A. H. ROBINS COMPANY P. O. Box 24690 Dallas, Texas	- \$12,920.60
(33) AMSCO MEDICAL PROJECTS 2828 West 23rd Street Erie, Pennsylvania	- \$12,615.48
(34) ASTRA PHARMACEUTICALS PRODUCTS P. O. Box 1089 Framingham, Massachusetts	- \$12,397.79
(35) CUTTER LABORATORIES P. O. Box 400358 Dallas, Texas	- \$12,325.00

CONTRACTS - (Continued)

(36) SCHERING CORPORATION 1921 Gateway Drive Irving, Texas	- \$11,986.16
(37) E. FOUGERA COMPANY 60 Baylis Road Melville Long Island, New York	- \$10,522.26
(38) MERRELL DOW PHARMACEUTICALS P. O. Box 15260 Cincinnati, Ohio	- \$9,975.55
(39) PFIZER, INC. P. O. Box 222249 Dallas, Texas	- \$9,884.56
(40) MEAD JOHNSON LABORATORIES 2404 West Pennsylvania Street Evansville, Indiana	- \$9,871.15
(41) AMERICAN CRITICAL CARE 1600 Waukegan Road McGaw Park, Illinois	- \$9,485.00
(42) AYERST LABORATORIES 3601 Executive Boulevard Mesquite, Texas	- \$8,358.22
(43) EATON LABORATORIES P. O. Box 5490 Dallas, Texas	- \$7,603.42
(44) MCNEIL PHARMACEUTICALS 3129 Pinewood Drive Arlington, Texas	- \$7,360.51
(45) UPSHER SMITH LABORATORIES 14905 23rd Avenue North Minneapolis, Minnesota	- \$6,784.23

CONTRACTS - (Continued)

(46)	DEY LABORATORIES, INC. Associated Medical Corporation P. O. Box 70146 Houston, Texas	- \$6,460.00
(47)	ROSS LABORATORIES 1408 Vantage Drive Carrollton, Texas	- \$5,960.60
(48)	ORTHO PHARMACEUTICALS P. O. Box 401 Raritan, New Jersey	- \$5,281.80
	Total	- \$1,673,603.93
f.	WESTINGHOUSE ELECTRIC CORPORATION 201 N. St. Mary's Street San Antonio, Texas	- Replacement Exciter Fuses for Decker I, Electric Utility Department Item 1 - \$19,520.00
g.	ORION RESEARCH, INC. 840 Memorial Drive Cambridge, Massachusetts	- Sodium Ion Analyzers, Electric Utility Department Item 1 - \$14,700.00
h.	3M Company 3M Center St. Paul, Minnesota	- Reflective Sheeting, Urban Transportation Department Twelve (12) Month Supply Agreement Items 38-48 - \$12,973.00
i.	INDUSTRIAL DISPOSAL SUPPLY COMPANY 1106 Paulsun San Antonio, Texas	- Overhaul Hydraulic Cylinders Refuse Collector Bodies, Vehicle and Equipment Services Department Twelve (12) Month Service Agreement Items 1 thru 21 - \$26,437.00
j.	AUSTIN AUTOMATIC TRANSMISSION 1125 West 6th Street Austin, Texas	- Repair/Reconditioning of Automatic Transmissions, Vehicle and Equipment Services Dept. Twelve (12) Month Supply Agreement Items 1.1 thru 1.21 & 2.0 - Estimated total \$41,930.00

CONTRACTS - (Continued)

- k. **ANDERSON MACHINERY COMPANY**
 9415 N. E. Loop 410
 San Antonio, Texas
- Parts for Fiat Allis Chalmers Bulldozer, Vehicle and Equipment Services Department Items 1 thru 10 - \$8,265.50
- l. **JAY P. OTTO**
 11702 Broad Oaks
 Austin, Texas
- Disposal by sale award of City-owned property located at 1704 Meander - Estimated total revenue to City \$16,500.00
- m. Bid award:
- Disposal by sale award of City-owned property located at 7502 Meador Avenue and 6115 Carnation Terrace - Estimated total revenue to City \$40,010
- (1) **CHARLOTTE C. HUTCHISON (MBE)**
 5204 Downs Drive
 Austin, Texas
- Item 1 - \$21,000
- (2) **MTM INVESTMENTS (David Morgan)**
 1005 Payne Avenue
 Austin, Texas
- Item 2 - \$19,010
- n. Bid award:
- Cargo Vans, Vehicle and Equipment Service Department - \$44,911.00
- (1) **MCMORRIS DOWNTOWN FORD**
 808 West 6th Street
 Austin, Texas
- Item 1a - \$17,830
- (2) **LEIF JOHNSON FORD, INC.**
 501 East Koenig Lane
 Austin, Texas
- Item 1b - \$27,081.00
- o. **PAT CANION EXCAVATING COMPANY**
 P. O. Box 908
 Manachaca, Texas
- Walnut Creek Interceptor Phase III-8 - \$590,136.00

Common Fords Electric Substation

Approved entering into a contract with Gary L. Bradley for an exchange of property. (Common Fords Electric Substation)

CDBG Funds

Authorized and approved CDBG funds for Standard Rehabilitation Loans in the following amounts:

- a. AUSTIN JJJ CORPORATION - \$10,525.00
- b. FULFORD CONSTRUCTION - \$14,000.00
- c. KM CONSTRUCTION - \$13,650.00
- d. FULFORD CONSTRUCTION - \$14,000.00
- e. CONSOLIDATED SERVICES CORPORATION - \$14,000.00
- f. TEXAS WESTERN ASSOC., INC. - \$10,850.00
- g. FULFORD CONSTRUCTION - \$13,945.00
- h. FULFORD CONSTRUCTION - \$13,950.00
- i. IMPERIAL CONSTRUCTION - \$13,950.00

Temporary Street Closings

Approved the following temporary street closings:

- a. Pearl Street from 24th Street to 25th Street on April 1, 1983, from 3:00 p.m. until 7:00 p.m. as requested by Mr. Stephan Dragisic, representing Lambda Chi Alpha.
- b. West Lynn from Enfield to Niles Road on April 17, 1983 from 1:00 p.m. until 6:00 p.m. as requested by The Heritage Society of Austin, Inc.

There was a request for waiver of fees by the Heritage Society. The request will be considered at the March 31, 1983 meeting.

- c. 25th Street from Pearl to San Gabriel on March 30, 1983 from 12:00 noon to 6:30 p.m., as requested by Ms. Jodi Lazar, representing Delta Phi Epsilon/Kappa Alpha/Alpha Chi Omega.

Access Production Equipment Package

Authorized Austin CableVision to purchase an Access Production Equipment Package for an amount not to exceed \$134,564 from the Austin CableVision Equipment Fund. (Approved by Cable Commission)

Authorized Austin CableVision to purchase from the Austin CableVision Access Equipment Fund an amended Public Access Equipment package previously approved by Council on July 8, 1982 and reducing the previously authorized expenditure by \$771 to \$35,479. (Approved by Cable Commission)

Editing Equipment Package

Authorized Austin CableVision to expend an additional \$1,235 from Austin

PACKAGE - (Continued)

CableVision's Equipment Fund for an amended editing equipment package. (Approved by Cable Commission)

Public Hearings Set

Set the following public hearings:

- a. 1983-84 Community Development Block Grant Program:
 - (1) Proposed General Topic Areas: April 14, 1983 at 5:00 p.m.
 - (2) Scopes of Work for Specific Program Activities: May 18, 1983 at 5:00 P.M.
- b. Zoning Case No. V14-83-005 - Texas Center Associates by Bert Pence 413-415, 501, 507 Barton Springs Road & 501-525, 601-615 South First Street from "C-2" 3rd H&A to "C-2" 4th H&A: April 28, 1983 at 5:15 p.m.
- c. Nine extraterritorial jurisdiction related requests initiated by the cities of Round Rock, Pflugerville, Manor, Rollingwood, West Lake Hills, Cedar Park and Lakeway: April 28, 1983 at 5:30 p.m.
- d. Appeals from Mr. Howard Richards and Mr. Jack A. Goodman, of the Planning Commission's decision granting a Special Permit for a 256-unit apartment complex to be built at 701-839 William Cannon Drive/ 6701-6803 Cooper Lane/6700-6802 South 1st Street: April 21 at 6:00 p.m.
- e. An appeal from Mr. H.B. Howard of the Planning Commission's decision granting a Special Permit for Case No. C14p-83-005: April 28 at 6:00 p.m.

Item Postponed

During the consent motion, Council postponed consideration of authorization to submit a grant application to UMTA in the amount of \$5,334,745 for Capital Assistance Grants, TX-05/09ACAP3, TX-03-CAP3(1) and TX-03-CAP(2) and consider setting a public hearing on April 21, 1983 at 3:00 p.m.

CONSENT ORDINANCES

The Council, on Councilmember Urdy's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Councilmember Goodman absent)

Capital Improvement Program

Approved amending the Capital Improvements Program Budget by transferring \$41,000 of additional Community Development Block Grant Funds to Rosewood Neighborhood Center Project.

Annual Access Fund Budget

Amended the Annual Access Fund Budget by appropriating \$75,000 for the purpose of remodeling the Dougherty Arts Center to serve as the interim central access facility for a maximum period of 24 months. (Approved by Cable Commission)

Release of Easement

Authorized the following release of easement: A Public Utility Easement retained at the vacation of a portion of Leona Street in Ordinance No. 611102-F and recorded in Volume 2391, Page 257 of the Travis County Deed Records. (Requested by Metcalfe Engineering Company, Inc.)

Speed Limit Zones

Approved amending Section 11-2-100 of the Austin City Code of 1981 pertaining to the establishing of speed limit zones, by adding the following:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Red River Street	26th Street, east	38th Street, east
Subsection (b):		
<u>ON</u>	<u>FROM</u>	<u>TO</u>
Red River Street	Martin L. King, Jr., Boulevard	26th Street, east

Public Hearing Set

Set a public hearing on revision of the fuel adjustment charge for March 31, 1983 at 5:15 p.m.

Zoning Ordinance

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- a. JAMES N. & CHARLOTTE CUMMINGS DOUGLAS
By Jeane Franklin
C14-82-163 2300 Leon Street From "A" 2nd H&A
to "B" 1st H&A

(PASSED AS AN EMERGENCY)

ZONING ORDINANCES - (Continued)

- b. MARGARET A. QUADLANDER 10924 Jollyville Road From Interim "AA" 1st H&A
C14-82-100 to "O" 1st H&A
- c. BEE CAVE WOODS 1938 Holly Hill Drive From "O-1" 1st H&A
DEVELOPMENT COMPANY 1900-1904 Doris Ann to "A-2" 1st H&A
By Timothy Mathews
C14r-81-206
- d. DR. CAREY LEGETT, JR. 6000 Manchaca Road From Interim "A" 1st H&A
By Leopold P. Danze to "O" & "A-2" 1st H&A
C14-80-145
- e. MICHAEL G. POULSON 501-C (rear) West Live From "A" 1st H&A
C14-82-212 Oak, rear of 2209 South to "C" 1st H&A
First Street
- f. HOWARD BRUNSON 6601-6603 Airport From "C" 1st H&A
By Hoyle M. Osborne Boulevard to "C-1" 1st H&A
C14-82-210 300-304 Huntland Drive
- g. COFFEE & CRIER, 508 & 509 Oakland Ave. From "B" 2nd H&A
INVESTMENT 1405 W. 6th Street to "O" 1st H&A
By Jack Crier also bounded by Oakland
C14-82-206 Avenue
- h. AUSTIN PUBLIC LIBRARY 401-423 West 9th St. From Undesignated to
By City of Austin also bounded by Undesignated-Historic
C14h-83-002 Guadalupe & San Antonio
- i. KOPPEL BUILDING 318-320 Congress Avenue From "C-2" 4th H&A
By City of Austin also bounded by West to "C-2-H" 4th H&A
C14h-83-003 4th Street

CERTIFICATES GIVEN TO COUNCILMEMBERS

Ms. Ann Wallace, Travis County Council of the Deaf, presented certificates of appreciation to all members of the Council for having their meetings interpreted for Austin citizens who are deaf. Members of the Council expressed their appreciation for the recognition.

PUBLIC HEARINGS SET

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, set the following public hearings: (5-0 Vote, Councilmember Goodman absent)

- a. To consider an Industrial Development Bond financed project proposed by Sabine Development, Ltd. located at Sabine and 5th Street: April 7 at 3:30 p.m.
- b. To consider an Industrial Development Bond financed commercial project proposed by Sabine Development Ltd., Sabine and 5th Street: April 7, 1983 at 3:30 p.m.

CONTRACT APPROVED

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving of the following contract: (5-0 Vote, Councilmember Goodman absent.)

BRATH, INC.
15232 I.H. 35 North
Round Rock, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Rosewood Neighborhood Center,
Public Works Department -
\$343,165.00 C.I.P. No.
78/72-03

TREE ORDINANCE

Council had before them for consideration the second and third readings of an ordinance to adopt a new Chapter 9-11 (Trees) of the Austin City Code.

Councilmember Duncan stated, "It is my understanding the Planning Commission approved the ordinance and sent it to us and had five qualifications. I'd like to read those into the record. The Planning Commission requested that (1) City arborist qualifications should include experience in site planning; (2) That a 45 day extension on arborist review of application would be applicable only in cases where variances or special exception is needed through the Board of Adjustment action; (3) That the Planning Commission rather than Parks Board or Environmental Board will hear appeals; (4) The City Council will approve guidelines as well as Environmental Board, Parks and Recreation Board and Planning Commission; (5) Departmental conflicts will be worked out within the regular 10 day working day after its review. In addition the Planning Commission recommends that guidelines be developed and ready to go within 45 days of the adoption of the ordinance and that the ordinance not take effect within 10 days as has been traditional but that it be effective 45 days after adoption."

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, passed through SECOND and THIRD readings an ordinance adopting a new Chapter 9-11 (Trees) of the Austin City Code, to be effective in 45 days. (5-0 Vote, Councilmember Goodman absent)

SAFARI '83

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, approved the request from Linda West for permission to sell beer and wine during Safari '83 in Zilker Park, April 23 & 24, 1983 from 10:00 to 6:00 and 12:00 to 6:00 p.m. (5-0 Vote, Councilmember Goodman absent)

ANNEXATION OF LAKE TRAVIS AREA
DISCUSSED

Councilmember Mullen introduced a Council discussion concerning the annexation of the Lake Travis Area. He said he had the idea of annexing the Lake Travis water area in an attempt to prevent effluent being dumped in Lake Travis. A committee with the Governor to pursue this has been set up and he said as a result he does not believe Council needs to pursue the annexation. Councilmember Mullen said what they need to do is help to get the legislation necessary to protect the lakes in the area. Councilmember Mullen said he wanted to discuss this in public because there has been concern regarding annexation in the Lake Travis area.

CANCELLATION OF SOUTH TEXAS NUCLEAR PROJECT
DISCUSSED

Councilmembers Mullen and Goodman introduced to Council discussion concerning the South Texas Nuclear Project and cancellation of the project. Councilmember Mullen asked staff to speak to the cancellation of STNP and asked for a report on the effect on the City and rates to the taxpayer if the project is cancelled. Albert DeLaRosa, City Attorney, asked for four weeks in order to prepare the reports requested. Councilmember Mullen said he does not want to spend a great deal of staff time on the report but would like the information made public. Mr. Meiszer pointed out to Council that if Austin cancels, then they will have nothing to sell. Mr. Ed Aghjayan, Director of Electric Utility, said he can report back to Council next week concerning the effect of \$450,000,000.00 on our utility rates.

Mayor Pro Tem Trevino pointed out the Austin voters have given the mandate to sell and asked for a report from our bond counsel concerning the impact of selling \$70,000,000 worth of bonds on Austin's intent to pay their debt.

Mr. Aghjayan pointed out that if Austin talks about cancelling STNP then anyone contemplating buying our share, will not do so.

PROPOSED STUDY OF BOARDS AND COMMISSIONS

Mr. Meiszer, City Manager, referred Council to their copy of Outline for Proposed Study of Boards and Commissions. There were no questions and no discussion. Copy is on file in the City Clerk's office.

MONTHLY BUDGET PERFORMANCE REPORT

Mr. Meiszer referred Council to the Monthly Budget Performance Report and discussed the new format. Report is on file in the City Clerk's Office.

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced the Council will go into a closed or Executive Session pursuant to Article 6252-17, V.T.C.S. to discuss the following matter:

Houston Lighting & Power, et al v Brown & Root - pending litigation - Section 2, Paragraph e.

After such closed or executive session any action to be taken will be done so in public.

RECESS

Council recessed at 2:25 p.m. for their executive session and resumed their recessed meeting at 3:35 p.m.

PUBLIC HEARING TO BE CONTINUED

Mayor Pro Tem Trevino opened the public hearing set for 3:00 p.m. on an appeal of the decision of the Building Standard Commission to grant relocation permit for structure currently located at 1604 Manor Road to 1903 Stanley Avenue. He stated there is a request to continue the hearing to April 7, 1983 at 6:30 p.m. No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, voted to continue the hearing on April 7, 1983 at 6:30 p.m. (4-0 Vote, Councilmembers Mullen and Urdy were out of the room.)

ELECTRIC UTILITY COMMISSION REPORTS

Mr. Peck Young reported on Recommendation on Fuel Adjustment Program and Recommendation on Voluntary Utility Assistance Program. Both reports are on file in the City Clerk's Office.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving a Voluntary Utility Assistance Program. (6-0 Vote)

RECESS

Council recessed at 3:45 p.m. and resumed its recessed meeting at 4:00 p.m.

LAKE AREA DISCUSSED

Mr. John B. Flink appeared before Council to discuss the Walter E. Long Lake area and the leasing of 128 acres to Travis County Live Stock Show. He told Council that in 1963 the City of Austin took his land away from him on Lake Long and said it would be used for open use of the public. He said at the time department heads specified what the land would be used for. Mr. Flink said the idea of the livestock show is good but should not be allowed at Lake Long. He showed a map drawn in 1966 by Parks and Recreation Department outlining the way the park out there should be developed.

Mr. Meiszer stated the reason the issue is being taken to the voters is because of the commitments that were made concerning the land for park development.

COLONY PARK AREA DISCUSSED

Ms. Joan Dattner, representing Colony Park Neighborhood Association, appeared before Council to discuss the zoning change from Interim "A" to "AA" for the Colony Park Area. She told Council they are near the proposed live stock show area and are concerned about the traffic which the development will create in their neighborhood. She asked what they can do to have single family residential area assured. Ms. Donna Kristaponis, Assistant Director, Planning Department, explained the zoning roll back process to her.

CITIZEN DID NOT APPEAR

Mr. Juan Zamarripa who had requested to discuss outrageous turn on water fee did not appear. He said his problem had been taken care of.

PEPPERTREE APARTMENTS DISCUSSED

Mr. Tom Cook appeared before Council to discuss the Waterway Development Permit for Peppertree Apartments. He is president of the Georgian Acres Neighborhood Association and said they are very concerned about apartments being built and the potential of the impervious cover for causing more flooding in the neighborhood area. Mr. Cook said they sent a letter of appeal concerning the Waterway Development Permit and it was never received by Mr. Lillie, Director of Planning. The letter was registered and instead of going to the Planning Department, it was sent back to the neighborhood association. As a result, they have lost their right of appeal.

Councilmembers discussed the situation and Councilmember Deuser said he would like to look into the possibility of re-notification. Mr. Meiszer discussed the test of reasonableness by using mail. Mayor Pro Tem Trevino said neither the neighborhood or the staff is at fault and Council should look at the spirit of the law and not the letter of appeal.

Motion

Councilmember Duncan made a motion, seconded by Mayor Pro Tem Trevino to grant the appeal.

PEPPERTREE - (Continued)

Councilmember Mullen asked if Council would be liable for lawsuit and Jonathan Davis, Assistant City Attorney, said there is always a chance of a lawsuit. Councilmember Deuser said he would like staff to prepare justification to re-open the matter. Mr. John German, Assistant City Manager told Council the apartment project is proceeding.

Alan Haywood, representing Peppertree Apartments, said they were not aware that the property owners did not receive notification concerning an appeal. After more discussion it was decided Councilmembers Urdy and Deuser should meet with the neighborhood.

Motion Withdrawn

Councilmember Duncan withdrew his motion and Mayor Pro Tem Trevino withdrew his second.

PUBLIC HEARING - APPEAL TO GRANT SPECIAL PERMIT

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. on an appeal from Francis Gatt and Olga Gatt of the Planning Commission's decision to grant a Special Permit for Case No. C14p-82-092.

Ms. Donna Kristaponis, Assistant Director of Planning, reviewed the appeal.

Mrs. Gatt, president of North Acres Neighborhood Association, asked Council for a postponement of the hearing. She said the Woodcliffe Neighborhood Association has just heard about the special permit request and wants to fight it too.

Jerry Harris, attorney, representing Langtry Apartments, objected to postpone at this late date. He said the project is under a bond program and the deadline is April 14, 1983. He said it meets all the requirements and rules and regulations of Austin and pointed out the objectors did not show up during the whole process with the Planning Commission.

Olga Gatt expressed her opposition because of the traffic which would result from apartments.

Councilmember Deuser asked if there are any plans concerning the alleviation of traffic. Dr. Benson, Director of Urban Transportation, said he does not recall anything about it. Councilmember Urdy pointed out that the issue before Council today is the ability to build apartments.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, closed the public hearing and upheld the Planning Commission's decision to grant a Special Permit for Case No. C14p-82-092. (5-0 Vote, Councilmember Goodman out of the room.)

JOLLYVILLE AREA ROAD PLAN

Councilmember Deuser introduced a discussion of the Jollyville Area Road Plan B and the extension of Floral Park Drive. He said Council wanted the City to proceed ahead to obtain the necessary right of way to design and build Floral Park Drive as in Plan B for the collector system. "I want to put it on record that we are interested in pursuing the Floral Park Drive configuration and the City look into acquiring the additional land necessary. Most of it will be donated as a part of the subdivision process. However, there is one stretch there that would not and the City needs to proceed ahead into acquiring that right of way."

Mr. German, Assistant City Manager, told Council that their action last week indicated that "we ought to proceed with the alternative that requires acquisition to that one piece of property. We met with the owners and developers of that land and worked out an arrangement whereby we can proceed with that acquisition. They will provide some funding as far as their normal subdivision process to allow us to pay for it without having to have new CIP program items. So we will start that process now. First we will get an appraisal on the property, make offers and if we cannot resolve it there then it would come to Council for consideration for condemnation. It may take some time but we have started the process."

SETTLEMENT AGREEMENT

Councilmember Mullen said the pending litigation of Mueller, et al v. City of Austin, was discussed in executive session and he made the following motions:

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted a resolution authorizing the City Attorney to execute a settlement agreement in Mueller, et al v. City of Austin. (5-0 Vote, Councilmember Goodman was out of the room.)

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance zoning the property. (5-0 Vote, Councilmember Goodman was out of the room.)

ADJOURNMENT

Council adjourned its meeting at 6:00 p.m.